

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 were rejected in the June 6, 2005 Office Action.

No claims have been allowed.

Claims 1-23 are cancelled herein.

Claims 24-46 are added herein.

Claims 24-46 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the June 6, 2005, Office Action, the Examiner rejected Claims 1-11, 14-20, 22 and 23 under U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,157,828 to *Krishnamurthi* (hereafter, “*Krishnamurthi*”) in view of U.S. Patent No. 6,001,052 to *Jung* (hereafter, “*Jung*”). In Section 3 of the Office Action, the Examiner rejected Claim 12 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Jung* and further in view of U.S. Patent No. 5,884,196 to *Lekven et al.* (hereafter, “*Lekven*”). In Section 4 of the Office Action, the Examiner rejected Claim 13 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Jung* and further in view of U.S. Patent No. 6,108,563 to *Shishino* (hereafter, “*Shishino*”). In Section 5 of the Office Action, the Examiner rejected Claim 21 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Jung* and further in view of *Lekven* and further in view of *Shishino*.

The Applicants respectfully assert that the cancellation of Claims 1-23 have rendered moot the Examiner’s rejections of Claim 1-23 under 35 U.S.C. §103(a). Nonetheless, the Applicants

would like to distinguish new Claims 24-46 over the cited prior art and direct the Examiner's attention to new independent Claim 24, which contains the novel and non-obvious limitations emphasized below:

24. For use in a wireless communications system, a mobile switching center, comprising:

a controller which, having

sent a call waiting notification to a base station serving a mobile station participating in a first call, the call waiting notification indicating that a second call is waiting to be put through to the mobile station, and

received a clear request message from the base station in response to the call waiting notification,

transmits a clearing procedure message to the base station to maintain resource allocations designated for the mobile station and alert the mobile station of the second call. (*Emphasis added*)

The Applicants respectfully submit that the above emphasized limitations are not disclosed, suggested or even hinted at in the *Krishnamurthi* reference, the *Jung* reference, the *Lekven* reference, or the *Shishino* reference, or in any combination of two or more of the *Krishnamurthi*, *Jung*, *Lekven*, and *Shishino* references.

Unlike the cited references, independent Claim 24 recites a controller in a mobile switching center that, as part of initiating a new, second call to a mobile station that is already participating in a first call, sends a call waiting notification to a base station serving the mobile station. Upon receiving a clear request message in response, the controller transmits a clearing procedure message to the base station in order to maintain resource allocations in use by the mobile station and to alert the mobile station that the new, second call is waiting.

In distinct contrast, the *Krishnamurthi* reference describes a mobile station that has a first party of a public switched telephone network while being connected to a second party. When the connected second party hangs up, a mobile switching center transmits an alert message to a base station serving the mobile station. The alert message prompts the mobile station to transmit a connect message to cause the mobile switching center to reconnect the first party to the mobile station. *See Krishnamurthi, col. 2, lines 29-32 and 41-49.*

That is, the *Krishnamurthi* reference describes a mobile station with two calls already established to two landline parties and a technique to employ when the connected landline party hangs up. As admitted by the Examiner in the June 6, 2005, Office Action, the *Krishnamurthi* reference does not describe actions to take when the mobile station hangs up on the connected landline party while another, already established call is on hold. The Applicants respectfully submit that neither does the *Krishnamurthi* reference, teach what to do when the mobile station hangs up on an active call after being notified that a new second call is waiting to be put through to the mobile station, as recited in new Claim 24.

Similarly, the *Jung* reference describes a method for handling call hold services in a CDMA switching system. *See Jung, col. 1 lines 7-8.* The *Jung* reference describes procedures for:

1. a mobile user putting a first party on hold while placing a call to a second party (*Figs 3A & 3B; col. 3, line 30, to col. 4, line 10*);
2. placing the second party on hold and resuming the conversation with the first party (*Fig. 4, col. 4, lines 11-23*);

3. the first party hanging up while the second party is still on hold (*Fig. 5; col. 4, lines 24-42*);
and
4. the mobile station hanging up on the first party while the second party is still on hold (*Fig. 6; col. 4, lines 43-50*).

However, the Applicants respectfully submit that the *Jung* reference, like the *Krishnamurthi* reference does not teach a procedure to follow when the mobile station hangs up on an active call after being notified that a new second call is waiting to be put through to the mobile station, as recited in new Claim 24. Nor are the shortcomings of the *Krishnamurthi* and *Jung* references overcome by either the *Lekven* or *Shishino* reference.

As such, new independent Claim 24 recites unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Krishnamurthi* reference, the *Jung* reference, the *Lekven* reference, or the *Shishino* reference, or in any combination of two or more of the *Krishnamurthi*, *Jung*, *Lekven*, and *Shishino* references. This being the case, Claim 24 is patentable over the cited references. Also, dependent Claims 25-27 depend from Claim 24 and recite all of the unique and non-obvious limitations recited in Claim 24. Thus, Claims 25-27 are patentable over the cited prior art.

New independent Claims 28, 32 and 41 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 24. This being the case, Claims 28, 32 and 41 are patentable over the cited references. Finally, dependent Claims 29-31, 33-40 and 42-46, which depend from Claims 28, 32 and 41, respectively, include all of the unique and non-obvious

DOCKET NO. 2002.02.009.WS0
U.S. SERIAL NO. 10/035,354
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limitations of their respective base claims. Thus, Claims 29-31, 33-40 and 42-46 are patentable over the cited prior art.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 2 Sept. 2005

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